

Amendment and Response

Serial No.: 10/034,993

Confirmation No.: 1113

Filed: 28 December 2001

For: MODULAR SYSTEMS AND METHODS FOR USING SAMPLE PROCESSING DEVICES

Page 17 of 20

Remarks

The Office Action mailed 29 June 2004 has been received and reviewed. Claims 19, 20, 24, 47, and 48 are canceled. Claims 1, 8-13, 21, 26-46, 49-51, and 53-58 are amended. New claims 59-79 are presented. As a result, claims 1-18, 21-23, 25-46, and 49-79 are pending. Reconsideration and withdrawal of the rejections are respectfully requested.

Objections to the Drawing and Specification

The drawings and specification were objected to as discussed on page 2 of the Office Action. Applicants have submitted an amendment to the specification as set forth herein. The amendment presents subject matter in original claims 19, 21, and 47 in the body of the specification. Because this subject matter was present in the application as filed (as part of the original claims), no new matter is added.

In view of the specification amendment, Applicants respectfully submit that all of the features recited in claims 19, 21, and 47 are now contained within the figures (see, e.g., Figure 4A) without requiring corrected drawings.

The amendment to the specification also addresses the antecedent basis issue raised as the language of claims 19, 21, and 47 is now present in the specification.

Applicants respectfully submit that the objections to the drawings and the specification have been addressed by the submitted specification amendment. Reconsideration and withdrawal of the objections are, therefore, respectfully requested.

Allowable Claims

Applicants note that claims 25 and 52 were indicated as allowable and that claims 19-24, 26-33, and 47-48 were objected to as allowable dependent claims.

Amendment and Response

Serial No.: 10/034,993

Confirmation No.: 1113

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For: MODULAR SYSTEMS AND METHODS FOR USING SAMPLE PROCESSING DEVICES**Page 18 of 20****The 35 U.S.C. §112, Second Paragraph, Rejection**

Claims 2-7, 26, 31, 35-51, and 53-58 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner alleged that in claims 2, 26, and 35 it is not clear what constitutes the identifying the base plate to the system controller. Applicants respectfully disagree.

Identification of the base plate to the system controller is discussed in the specification at, e.g., p. 15, lines 7-23. One example noted there is to identify type of a base plate to the system controller. Although it is asserted in the Office Action, that for identification to occur, more than one base plate is required, Applicants respectfully disagree. Identification of the one base plate in use may be performed within the claimed method. For example, the identification may provide information as to whether the base plate includes thermoelectric modules, temperature sensors, etc. Applicants respectfully submit that, read in light of the specification, one of ordinary skill in the art would understand the scope of the claims at issue.

Reconsideration and withdrawal of the rejection of claims 2-7, 26, 31, 35-51, and 53-58 under § 112, second paragraph are respectfully requested.

Claims 26-33, 35-46, 49-51, and 53-58 have been amended to correct their dependencies in view of a claim numbering error as correctly identified by the Examiner. The amendments address the issues raised by the Examiner with respect to antecedent basis in claims 36-37, 40-43, 31, 44, 58, and 46. Applicants respectfully submit that the amendments do not introduce new matter, are cosmetic in nature only, and do not narrow the scope of the amended claims which were correctly interpreted by the Examiner for examination.

In view of these corrections, Applicants submit that claims 25-33 and 52-58 are in condition for allowance as presented.

Amendment and Response

Serial No.: 10/034,993

Confirmation No.: 1113

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For: MODULAR SYSTEMS AND METHODS FOR USING SAMPLE PROCESSING DEVICES

Page 19 of 20

The 35 U.S.C. §§ 102 & 103 Rejections

The Examiner rejected claims 1-2, 8-18, 34, 37-46, 51, and 53-58 under 35 U.S.C. §102(b) as being anticipated by Meyer (U.S. Patent No. 4,933,146). The Examiner also rejected claims 1-2, 8-12, 17-18, 34, 38-42, and 44-45 under 35 U.S.C. §102(b) as being anticipated by Bauer (U.S. Patent No. 4,030,834) or Bullock (U.S. Patent No. 1,123,173).

The Examiner rejected claims 3-7 and 35-36 under 35 U.S.C. §103(a) as being unpatentable over Meyer (U.S. Patent No. 4,933,146) as applied to claims 2 and 34 above, and further in view of Edelmann (U.S. Patent No. 4,456,581) or Lucas (U.S. Patent No. 4,111,304) and Barr (U.S. Patent No. 4,252,538) or Ulrich (U.S. Patent No. 6,375,898) and Brown (U.S. 5,792,372). The Examiner rejected claims 49-50 under 35 U.S.C. §103(a) as being unpatentable over Meyer (U.S. Patent No. 4,933,146) as applied to claim 34 above, and further in view of Schultz (U.S. Patent No. 4,632,908).

In the interests of expediting prosecution, Applicants have amended independent claim 1 to incorporate the recitations of claim 19 (indicated as allowable, now canceled). As a result, amended claim 1 and its dependent claims 2-18 and 21-23 should be in condition for allowance. Within the dependent claims, claims 8-13 were amended to be consistent with amended claim 1 and claim 20 has been canceled as redundant.

Applicants have also amended independent claim 34 to incorporate the recitations of claim 47 (indicated as allowable, now canceled). As a result, amended claim 34 and its dependent claims 35-46 and 49-51 should be in condition for allowance. Within the dependent claims, claims 39-44 were amended to be consistent with amended claim 34 and claim 47 has been canceled as redundant.

Applicants have also presented new independent claim 59 incorporating the recitations of original claims 1 and 24 (indicated as allowable, now canceled). As a result, independent claim 59 and its dependent claims 60-79 should be in condition for allowance.

Although Applicants disagree with the rejections under §§ 102 and 103, Applicants have presented amendments to claims 1 and 34 and new claim 59 to expedite prosecution. Applicants

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Page 20 of 20

do, however, expressly reserve the right to traverse these rejections and the assertions made in support thereof at a later date in this or any other appropriate applications.

Summary

It is respectfully submitted that the pending claims 1-18, 21-23, 25-46, and 49-79 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
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29 OCTOBER 2004
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29th day of October, 2004, at 10:14 a.m. (Central Time).

By: Rachel Englund-Gebhardt
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